



## MODULE II

### Part II

- Subdivision Regulations
- Infrastructure Design Standards



## 10-1. SUBDIVISION REGULATIONS

### 10-1(A) PURPOSE AND GENERAL REQUIREMENTS

1. The **purpose** of these subdivision regulations is to provide an orderly system for designating and developing parcels of land. Provisions have been enacted to ensure property improvement standards to protect the health, safety, and welfare of Gallup citizens.
2. There are three subdivision types in the City of Gallup: administrative, minor, and major subdivisions. The plat requirements vary by subdivision type. See the “Definitions and Application of Subdivision Regulations” **(Section 10-5-2)** for definitions of subdivision types.
3. City **procedures** for subdivision design, review, and approval include the following steps: 1) sketch plat; 2) preliminary plat; and 3) final plat.
4. The **city review process** is intended to inform the subdivider or their representative of requirements and expectations to be fulfilled for subdivision approval.
  - a. The subdivider is encouraged to meet with City staff for a **pre-application meeting** to be informed of these requirements and expectations regarding the proposed subdivision.
- b. The **Gallup Task Force**, comprising staff from relevant City departments, will conduct a review of the proposed subdivision during each step of the City procedures (i.e., sketch, preliminary, and final plats). Subdividers should note that the review process varies depending on the type and scale of subdivision.
- c. Minor and major subdivisions are subject to approval by the **Planning and Zoning Commission**, which is responsible for ensuring that the subdivision supports the health, safety, and welfare of the City of Gallup.
5. **General policies** pertaining to the consideration of any subdivision application are as follows:
  - a. Acceptance of Public Lands: Approval of the final plat of a subdivision by the Planning and Zoning Commission shall constitute an acceptance by the City of the streets, alleys, or other public ways or easements, and parks or other public lands dedicated on the subdivision plat by the subdivider, assuming such improvements are designed and constructed in accordance with City of Gallup standards and requirements and as discussed below.
  - b. Community Assets: In all subdivisions, due regard shall be shown for all natural features (e.g., natural vegetation, watercourses, historical sites, and structures) and similar community assets that, if preserved, will add, in the opinion of the Planning and Zoning Commission, attractiveness and value to the area or to the City.
  - c. Suitability of the Land for Subdivision:

- i. The Planning and Zoning Commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that development of the site is not in the best interest of the public health, safety, or welfare of the City of Gallup.
  - ii. Land subject to flooding, land deemed to be topographically unsuitable, and land that is for other reasons uninhabitable, all as determined by the Planning and Zoning Commission, shall not be platted for residential occupancy or for such other uses as may increase danger to health, safety, or welfare or aggravate erosion or flood hazard. All subdivisions shall conform with the floodplain zoning article (section 10-4H-5).
- d. Conflicts with Other Regulations:
- i. No final plat of land within the scope, force, and effect of the master plan, chapters 1 through 4 of this title, and other resolutions and regulations will be approved unless it conforms with said documents.
  - ii. Whenever there is a discrepancy or conflict between minimum standards or dimensions noted in the subdivision regulations and those contained in chapters 1 through 4 of this title, the City building code, the State of New Mexico Subdivision Act, or other official rules and regulations of the City for land within the City's limits and/or its planning and platting jurisdiction, the highest or most restrictive standard shall apply.
- e. Phased Development: A proposed subdivision may be submitted in a phased manner, provided that all of the requirements of sections 10-5-6 and 10-5-7 of this chapter have been met.
    - i. Each phase of the subdivision shall be represented by a separate final plat for filing purposes with the McKinley County Clerk.
    - ii. The Planning and Zoning Commission may grant approval of all phases of a phased subdivision and for the sequencing of proposed development phases.
    - iii. Any phased development shall be built out to completion prior to recording the final plat.
  - f. Grading: No person shall proceed with any grading within a proposed subdivision before having an approved preliminary plat and grading permit. Such grading shall be consistent with the recommendations of an approved drainage plan and geotechnical report.
  - g. Paving and Utilities:
    - i. All subdivisions, and each lot or parcel within a subdivision developed within the city limits, shall have paved street access with curb, gutter, sidewalks, and utilities. Street improvements, water, and wastewater system lines shall be installed along the entire length of the property frontage where future extension of these facilities is likely to occur. See the "Public Improvements" section for additional guidance, including requirements by subdivision type.

- ii. Subdivisions within the planning and platting jurisdiction that are not connected to the City's wastewater system shall meet the requirements of the McKinley County subdivision regulations and applicable state and federal regulatory agencies, as related to subdivisions with individual sewage disposal systems. If a parcel to be developed has more than one property line frontage, the City shall also require improvements to be installed along the entire frontages.
- iii. No lots within a subdivision may be sold until the subdivider has fully complied with section 10-5-6 of this chapter and a final plat has been recorded.
- h. Buffer Zone: Subdivisions within the three (3) mile planning and platting jurisdiction of the City shall follow all requirements of the City of Gallup subdivision regulations and also shall be subject to the review and approval of the Planning and Zoning Commission.
- i. Waivers and Exceptions:
  - i. Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by unusual development conditions that the strict application of the requirements contained in these regulations would result in real difficulties and substantial hardships or injustices, the Planning and Zoning Commission may modify such requirements so that the subdivider is allowed to develop the property in a reasonable manner. Evidence of unusual development conditions must be provided by a licensed engineer in a formal letter to the Planning and Zoning Commissions. The public welfare and

interests of the City shall be protected, and the general intent and spirit of these regulations shall be preserved.

- ii. The Planning and Zoning Commission may modify the requirements in these regulations for application to proposals for a planned unit development (PUD, section 10-4B-4 of this title), provided that the overall design is consistent with the purpose of these standards. (Ord. C99-5, 9-28-1999)

## 10-1(B) DEFINITIONS AND APPLICABILITY OF SUBDIVISION REGULATIONS

### 1. Applicability

- a. The subdivision process outlined below applies for the following situations:
  - i. Whenever any subdivision of land is proposed within the City or within the three (3) mile planning and platting jurisdiction
  - ii. Before any contract is made for the sale of any part thereof
  - iii. Before any permit for the erection of a structure in such proposed subdivision shall be granted
- b. The specific procedures depend on the scale and type of subdivision being undertaken.
- c. The three categories of subdivisions are administrative, minor, and major. Tentative classification of the subdivision shall be made at the time of submittal by the Planning Department as to whether the subdivision is a



"minor" or "major subdivision" as defined in these regulations.

- d. All subdivisions shall comply with all zoning and subdivision regulations.

## 2. Definitions of Subdivision Types

- a. **Administrative Subdivision:** Subdivisions containing no more than two (2) parcels of land, or a replat that does not increase the total number of lots and where water, sewer, and street improvements are in place. If not in place, required infrastructure may be deferred through a subdivision agreement. Administrative subdivisions require approval and signatures by the City Manager and the Planning Director.

- i. Sketch plat.
- ii. Final subdivision plat. No roadway or utilities improvements are required.

- b. **Minor Subdivision:** Subdivisions with up to ten (10) lots and with no new public street and no extension of City water and wastewater systems. Procedures for a minor subdivision may also be followed if new infrastructure is deferred through a subdivision agreement. Steps required for the approval of a minor subdivision include:

- i. Sketch plat.
- ii. Final subdivision plat. As no roadway or utilities improvements are required, the subdivider may follow the procedural requirements for a preliminary plat.

- c. **Major Subdivision:** Subdivisions with more than ten (10) lots or requiring a new public street(s) and/or extension of City of Gallup water and/or wastewater systems. Steps required for the approval of a major subdivision include:

- i. Sketch plat.
- ii. Preliminary subdivision plat.
- iii. Final subdivision plat. (Ord. C99-5, 9-28-1999)

Subdivision Type	Lot Thresholds	Infrastructure	Approval Authority
Administrative	Replat	No roadway or utilities	City Manager and Planning Director
	1-2 lots	No roadway or utilities	City Manager and Planning Director
	1-2 lots	New infrastructure that has been deferred through a subdivision agreement	City Manager and Planning Director
Minor	3-10 lots	No roadway or utilities	Planning and Zoning Commission
	3-10 lots	New infrastructure that has been deferred through a subdivision agreement	Planning and Zoning Commission
Major	≤10 lots	New street(s) and extension of water and/or wastewater systems	Planning and Zoning Commission
	>10 lots	Major subdivision procedures regardless of where new infrastructure is required or not	Planning and Zoning Commission

### 3. Definitions of Plat Types

- a. **Sketch Plat:** A rough plan of the subdivision or development site that shows the basic layout of the site in relation to existing infrastructure and landmarks. Sketch plats are required for all subdivision types.
- b. **Preliminary Plat:** A preliminary site development document, accompanied by relevant engineering reports and site information. A preliminary plat is required as part of the major subdivision process to allow for City review of proposed roadway and utilities infrastructure
- c. **Final Plat:** The final plat, which may include refinements to the preliminary or sketch plat, represents, when approved by the Planning and Zoning Commission, the City's formal acceptance of the subdivision for recording with the McKinley County Clerk.

- duplicate the name of any plat previously recorded.
- iii. Name of property if no subdivision name has been chosen (i.e., name by which the property is locally known).

#### b. Ownership

- i. Name, address, and telephone number of legal owner (i.e., subdivider) or authorized representative of the property.
- ii. Name, address, and telephone number of the person(s) responsible for presentation of the sketch plan.

#### c. Written Description: Location of property by platted lot, section, township, range and county, and date.

#### d. Features:

- i. Approximate locations of property lines; existing easements; permanent buildings; utilities; burial grounds; railroad rights-of-way; watercourses (e.g., arroyos, streams, floodways, etc.); and locations, widths, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract.
- ii. Names of adjoining property owners from the latest assessment rolls within one hundred feet (100') of any perimeter boundary of the subdivision.
- iii. The approximate locations and widths of proposed streets.
- iv. The approximate locations, dimensions, and areas of all proposed or existing lots.

## 10-1(C) SKETCH PLATS

### 1. Sketch Plat Requirements

The following elements are required as part of a sketch plat submittal:

- a. Subdivision Name
  - i. Name of subdivision, if property is within an existing subdivision.
  - ii. Proposed name, if not within a previously platted subdivision. The proposed name shall not

- v. The approximate locations of any "area of special flood hazard" according to section 10-4H-3 of this title.
- vi. The approximate locations, dimensions, and areas of all parcels of land proposed to be set aside for park or playground use, other public use, or for the use of property owners in the proposed subdivision. See the "Public Improvements" section (10-5-6) for additional guidance.
- vii. Whenever the sketch plat covers only a part of a subdivider's contiguous holdings, the subdivider shall submit, at the scale of no more than two hundred feet per inch (200' = 1"), a map of the proposed subdivision area, together with its proposed streets system, and an indication of the probable future street system and drainage system of the remaining portion of the tract.
- viii. Bar scale and north arrow.
- ix. A vicinity map showing streets and other general development of the surrounding area.
- x. Planned Unit Developments (PUD): In addition to the above required information, plans for all developments that require PUD approval shall include the following:
  - 1. Address of the project site, if any.
  - 2. Dwelling unit density based upon the gross developable area of the site, the total acreage devoted to each permitted use, and the percentage of building lot coverage (when applicable).

- 3. The intended use(s) for each proposed lot or subparcel. (Ord. C99-5, 9-28-1999)

## 2. Sketch Plat Review and Approval Process

- a. **Application:** A subdivider of the land, or their representative, shall file an application for approval of a sketch plat complying, in all respects, with these regulations. The application shall:
  - i. Be made on forms available at the Planning Department.
  - ii. Include all contiguous holdings of the subdivider with an indication of the portion that is proposed to be subdivided.
  - iii. Include an address and telephone number of the subdivider or a representative who shall be authorized to receive all notices required by these regulations.
- b. **Gallup Task Force Review**
  - i. The Planning Department shall refer the proposed sketch plat to the Gallup Task Force for formal consideration.
  - ii. The Gallup Task Force, composed of staff from relevant agencies, will review the sketch plat to determine compliance with City requirements and identify issues with the proposed development.
  - iii. The Gallup Task Force shall consider the sketch plat and shall provide comments within thirty (30) days of the date presented to the Planning Department.

**c. Developer Review Meeting**

- i. Following the Gallup Task Force review, the City of Gallup offers the opportunity to meet with the subdivider to discuss specific changes or additions, if any, it will require in the layout and the character and extent of required improvements and reservations.
- ii. If the sketch plat is completed as part of an administrative or minor subdivision, the subdivider may review comments regarding the sketch plat with the Gallup Task Force upon request.
- iii. If the sketch plat is completed as part of the major subdivision process, a developer review meeting between the subdivider and the Gallup Task Force is required.
- iv. Instructions as to additional requirements for completion of plat documents will be provided by City staff. These requirements could include engineering studies or reports, construction plans, and other supplemental materials.

**d. Next Steps**

- i. Approval of Sketch Plat: Gallup Task Force approval of the sketch plat shall constitute authorization for the subdivider to proceed. Next steps are as follows:
  1. Administrative subdivision: no further steps required. The plat may be recorded with the McKinley County Clerk.
  2. Minor subdivision: preparation and submittal for Planning and Zoning

Commission review of a final plat, upon meeting Planning and Zoning Commission requirements for changes or additional documentation, if required.

3. Major subdivision: preparation and submittal for Planning and Zoning Commission review of a preliminary plat, subject to the requirements of sections **10-5-5 and 10-5-6** of this chapter.

- ii. Effective Period of Sketch Approval: The approval of a sketch plat shall be effective for a period of **one (1) year**. Otherwise, approval or conditional approval of the sketch plat shall become null and void unless a request for extension of time, showing just cause, is submitted, in writing, by the subdivider and approved by the Gallup Task Force.

1. If an extension of time is applied for, such application shall be submitted to the Planning Department not less than seven (7) days prior to the expiration of the approval.
2. If a sketch plat becomes null and void, the subdivider shall be required to resubmit a new plat for sketch approval subject to all new zoning restrictions and subdivision regulations. (Ord. C99-5, 9-28-1999)



**10-1(D) PRELIMINARY PLAT**

1. **Application Procedures and Requirements:** The Planning Department shall refer the proposed preliminary plat to the Gallup Task Force for its review, recommendations, and report. The Gallup Task Force shall submit a written report to the Planning and Zoning Commission thirty (30) days prior to the next regular meeting of the Commission. Based upon the Gallup Task Force approval of the sketch plat, the subdivider shall file an application for approval of a preliminary plat. Each copy of the application shall:
  - a. Be made on forms available at the Planning Department together with a fee as required by section 10-5-9 of this chapter.
  - b. Include all land that the subdivider proposes to subdivide, all adjacent public right-of-way, plus all land extending an additional one hundred feet (100') in all directions from the site. The names of the property owners are to be included as shown in the McKinley County assessor's files.
  - c. Include copies of engineering studies or reports and construction plans, as required by the Gallup Task Force. See the Public Improvement section 10-5-6 for additional guidance.
  - d. Comply in all respects with the sketch plat as approved.
  - e. Be presented to the Planning Department at least forty-five (45) days prior to a regular meeting of the Planning and Zoning Commission.
  - f. Zoning Regulations: Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed final approval. Any plat that has received preliminary approval shall be exempt from any

subsequent amendments to the zoning ordinance rendering the plat nonconforming, provided that final plat approval is made within the one (1) year period. (Ord. C99-5, 9-28-1999)

**2. General Preliminary Plat Requirements**

- a. The preliminary plat shall be presented on a sheet or sheets either twenty-four inches wide by thirty-six inches long (24" x 36"), or eighteen inches wide by twenty-four inches long (18" x 24") within which are margins of one-half inch (1/2") wide on all sides, except the left side, which shall be one and one-half inches (1 1/2").
- b. If necessary, the plat may be on more than one sheet, provided that the first sheet shall have a key map delineating the entire subdivision. The preliminary plat is to be drawn to a scale of not more than one hundred feet per inch (100' = 1") unless the subdivision contains more than one hundred sixty (160) acres, in which case the scale may be two hundred feet per inch (200' = 1").
- c. The preliminary plat and construction plans shall also be submitted on an acceptable computer format of AutoCAD or other approved format. If the engineering firm is unable to submit plans in computer format, an additional processing fee, as fixed from time to time by the City Council through resolution with due public notice, shall be required.
- d. The preliminary plat shall include all the land owned by or controlled by the subdivider and shall contain all information shown in the sketch plat (see 10-5-3:A.4.h), plus the additional requirements listed below. A waived item may still be subsequently required by any reviewing department or agency if they deem it necessary. Items

listed below may be excluded if deemed unnecessary by the Gallup Task Force:

- i. Ownership information including name and address.
- ii. A north arrow, scale, and date.
- iii. The title under which the proposed subdivision is to be recorded; location; and the names, addresses and telephone numbers of the subdivider or their representative and any project engineers, architects, or planners.
- iv. A description of pertinent site data with the total area expressed in acres and square feet, including acreage lying within resource protection areas and total acreage proposed for public use.
- v. The proposed total number of lots and typical lot area.
- vi. A written legal description of the property and property survey drawn to scale of sufficient size to show the boundaries of the project, existing street rights-of-way, easements, section lines, existing buildings and water impacted areas such as river or stream channels, lakes, ponds, wetlands, floodways, or arroyos within and adjacent to the development.
- vii. The names, right-of-way widths, and locations of all proposed streets in the subdivision.
- viii. The locations, widths, and purposes of all proposed alleys, lots, building setback lines (if applicable), easements, and sites to be reserved or dedicated for public use.
- ix. The locations, dimensions, and arrangements for maintenance of all property proposed to be set aside for common open space and/or recreational use, or other public or private reservations, with designation of the purpose thereof and conditions, if any, of the dedication or reservation. See the "Public Improvements" section for additional guidance.
- x. The location of any "area of special flood hazard" and other required information according to section 10-4H-3 of this title.
- xi. The delineation of all parcels of land with lot lines, block numbers, and lot numbers.
- xii. The certification and seal of a registered land surveyor, who shall be licensed in accordance with the laws of the state of New Mexico, certifying the accuracy of the survey and plat, that all easements of record are shown, and that all easement locations have been prepared by the surveyor.
- xiii. All survey monuments and benchmarks together with their descriptions.
- xiv. The location of temporary stakes to enable the Gallup Task Force to find and appraise features of the preliminary plat in the field.
- xv. The boundary lines or the area being subdivided with accurate distances in feet and hundredths and bearings in degrees, minutes, and seconds with the basis for bearings noted or shown and a tie to the City horizontal control system.

- xvi. Total acreage of the subdivision to four (4) decimal places.
- xvii. Reference to recorded subdivision plats of adjoining platted land by recorded name, date, book, and page number in the office of the McKinley County Clerk.
- xviii. Statement that the subdivision is with the free consent and in accordance with the desire of the undersigned owner of the land, acknowledged in a manner required for acknowledgment of deeds.
- xix. Signed statements by the subdivider dedicating public rights-of-way, any sites for public use, and granting the shown easements for public use.
- xx. Certification of approval by the City Engineer.
- xxi. Certification of approval by the Water and Sanitation Department Director.
- xxii. The names of adjoining property owners.
- xxiii. Current zoning designation(s) of the project site and adjacent land.
- xxiv. All of the development's private restrictions and restrictive covenants and their periods of existence.
- xxv. Planned Unit Developments: In addition to the above required information, plans for all developments that require PUD or site development plan approval shall include the items listed below. Such information shall be provided on a supplemental document to the preliminary plat.
  - 1. Address of project site, if any.
- 2. The locations of all proposed buildings and structures, access and traffic flow, off-street parking and off-street loading areas, recreational facilities, landscaping, landscaped buffers and screening, and refuse collection areas.
- 3. Dwelling unit density based upon the gross developable area of the site, the total acreage devoted to each permitted use, and the percentage of building lot coverage, when applicable.
- 4. The intended use(s) for each proposed building or structure.
- 5. The number and types of dwelling units for proposed residential buildings and the gross floor area or gross leasable floor area.
- 6. The number of employees and other similar information for proposed nonresidential buildings that is needed for determining the required number of off-street parking spaces.
- 7. Building floor area, elevations, sizes, types, and typical floor plans.
- 8. The minimum number of off-street parking and loading spaces required by this title and how that number was calculated, as well as the actual number of off-street parking and loading spaces being proposed.

9. A screening and/or landscaped buffer plan meeting the requirements of subsections **10-4C-1F and G** of this title, if so required.
3. **Vicinity Map:** The subdivider shall submit a vicinity map drawn to a scale of not more than two thousand feet equals one inch (2,000' = 1") with the same standards as the preliminary plat and delineating the items below. The map shall show the subdivision in relation to the remainder of the City of Gallup. Google Earth or comparable images may be accepted.
    - a. Date, north arrow, and graphic scale.
    - b. The outline and boundaries of the proposed development.
  4. **Engineering Reports and Public Improvements:** The preliminary plat shall be accompanied by the technical studies, reports, calculations, and related data indicated by the Gallup Task Force at the developer review meeting or subsequently by the City. This includes, but is not limited to, the following:
    - a. Existing and planned utilities: The location and size of existing utility lines, culverts and other underground structures, and planned utilities within and immediately adjacent to the proposed development.
    - b. Contour lines and topographical features:
      - i. The existing and proposed contours with intervals of one foot (1'); where the slope is greater than ten feet (10') in one hundred feet (100'), two foot (2') intervals may be used.
      - ii. Where the slope is less than one foot (1') in two hundred feet (200'), one-half foot (1/2') intervals shall be used.
      - iii. The contours shall be actual elevations based on city vertical control standards. Other relevant topographical features should be included, as appropriate.
      - iv. All areas with a slope of more than twenty percent (20%) shall be clearly identified.
    - c. Proposed finished grade elevation for each lot.
    - d. Metes and bounds: All dimensions, both linear and angular, necessary for locating boundaries or subdivisions, lots, streets, alleys, easements, building lines, and any other areas for public or private use. Linear dimensions are to be expressed in feet and decimals of a foot.
    - e. Street design: Radii, arcs and chords, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners.
    - f. Locations and plans for traffic control devices.
    - g. Plans and general specifications for all public improvements, including utilities, shall be submitted in accordance with sections **10-5-11 and 10-5-12** of this chapter.
    - h. A drainage report shall be submitted in accordance with section **10-4F-2** of this title.
    - i. Construction schedule: The subdivider shall provide an estimated schedule of development. In particular, the schedule shall indicate when street paving and utilities

are estimated to be constructed. (Ord. C99-5, 9-28-1999)

## 5. Preliminary Plat Review Process

- a. Gallup Task Force Review: The Gallup Task Force shall review the preliminary plat to ensure the proposed subdivision adheres to all City requirements and standards. A summary of findings and modifications, if any, shall be issued to the subdivider. The Gallup Task Force may schedule a site visit to the proposed subdivision, accompanied by the subdivider or their representative, as part of the review process.
- b. The City may require a developer review meeting to address concerns identified by the Gallup Task Force. Such meeting may also take place at the request of the subdivider.
- c. Planning and Zoning Commission Review and Approval of Preliminary Plat:
  - i. The Planning and Zoning Commission, after reviewing the preliminary plat and supplementary materials as well as the summary report from the Gallup Task Force, shall approve, conditionally approve, or disapprove the plat.
  - ii. This review shall be discussed at a Planning and Zoning Commission meeting that shall also be a hearing on the preliminary plat. Notice of time and place of which shall be printed in the local newspaper of general circulation, and sent to the subdivider not less than five (5) days before the date of the hearing.

- iii. Attendance at the hearing by the subdivider or representative shall be mandatory. Failure of the subdivider or representative to attend shall result in continuation of the Planning and Zoning Commission consideration of the preliminary plat. More than one continuation shall result in the denial of the subdivision request.

## 6. Next Steps

- a. Approval of Preliminary Plat: Approval or conditional approval of a preliminary plat shall be deemed as an expression of tentative acceptance of the preliminary plat. The approval and related requests shall serve as a guide to the preparation of the final plat that will be submitted for approval to the Planning and Zoning Commission.
- b. Effective Period of Preliminary Approval: The approval of a preliminary plat shall be effective for a period of **one (1) year**, at the end of which time application for final plat approval must have been submitted. Otherwise, approval or conditional approval of the preliminary plat shall become null and void unless an extension of time is applied for, in writing, by the subdivider and granted by the Planning and Zoning Commission.
- c. If an extension of time is applied for, such application shall be submitted to the Planning and Zoning Commission not less than **seven (7) days** prior to the meeting at which it is to be considered.
- d. If a preliminary plat becomes null and void, the subdivider shall be required to resubmit a new plat for preliminary approval subject to all new zoning provisions, subdivision regulations, and construction standards.



## 10-1(E) FINAL PLAT

1. **Application Procedures and Requirements:** Following the approval of the sketch plat in the case of a minor subdivision or of the preliminary plat in the case of a major subdivision, and construction of public improvements or arrangements for their construction, the subdivider, if intending to proceed with the subdivision, shall file with the Planning and Zoning Commission an application for final approval of a subdivision plat. The application shall:
  - a. Be made on forms available at the Planning Department together with a fee as required by section 10-5-9 of this chapter.
  - b. Provide the following copies:
    - i. Original
    - ii. Two (2) duplicate Mylars
    - iii. Ten (10) copies of the subdivision plat
    - iv. One (1) electronic copy in AutoCAD format
  - c. Be accompanied by approved infrastructure improvement plans or financial guarantee as described in these regulations.
  - d. Comply in all respects with the approved sketch plat and/or preliminary plat.
  - e. Be submitted, in writing, to the Planning Department by twelve o'clock (12:00) noon on the second Friday of every month, preceding the next scheduled Planning and Zoning Commission meeting, and not less than fifteen (15) days prior to the Planning and Zoning Commission meeting at which it is to be considered.

## 2. Final Plat Requirements

- a. **Final Plat Data:** The final plat shall contain the same information as shown on the preliminary plat, as specified in section 10-5-6 of this chapter, except for any changes or additions required by the Planning and Zoning Commission. In addition, the final plat shall indicate:
  - i. The names, right-of-way widths, and centerlines of all proposed streets and alleys, as well as the centerlines of the street rights-of-way with dimensions between intersection centerlines or the subdivision's boundary line.
  - ii. The property line of adjoining lands and the names, right-of-way widths, and centerlines of adjacent streets and alleys.
  - iii. All dimensions, both linear and angular, necessary for locating boundaries of subdivisions, lots, streets, alleys, easements, building lines, and any other areas for public or private use. The linear dimensions are to be expressed in feet and decimals of a foot.
  - iv. Certification by authorized representatives of the local gas and telephone utilities that their systems' needs have been met shall be provided in the signature block of the plat. However, the Planning and Zoning Commission may waive this certification if, after a hearing, the Planning and Zoning Commission finds that the utility's desires are unreasonable or not in the public interest.
  - v. Certification by the Planning and Zoning Commission of plat approval and conditional acceptance of the dedication of rights-of-way, easements, and sites for City or County use.

After the plat is properly recorded, dedicated land is public property, and the fee vests in the City if the dedicated land lies within the boundaries of the city, and the fee vests in the County if the land lies outside the boundaries of the City.

- vi. Proof of acceptance of infrastructure improvements made in accordance with section 10-5-11 of this chapter. (Ord. C99-5, 9-28-1999)

### 3. Final Plat Approval Process for Minor and Major Subdivisions

- a. Preliminary Review: The Gallup Task Force shall determine that all conditions of the preliminary plat approval have been met, and shall submit to the Planning and Zoning Commission, prior to the meeting at which the plat is being considered, a written statement of its findings together with a recommendation to approve or disapprove the final plat.
- b. Commission Review and Approval: The Planning and Zoning Commission shall hear the request within a minimum of thirty-five (35) days from the date of applying for plat approval, provided that the application was received prior to the deadline for consideration at the subsequent Planning and Zoning Commission meeting.
  - i. If the final plat is approved by the Planning and Zoning Commission, such approval shall be recorded on the face of the original drawing of the final plat and on two (2) duplicate Mylars. Such approval shall be dated and verified thereon by the signature of the chairman of the Planning and Zoning Commission and attested by its secretary.

- ii. If the final plat is disapproved by the Planning and Zoning Commission, the reasons for disapproval shall be referenced and attached to two (2) copies of the final plat. Such action shall be dated and verified by the signatures of the chairman and secretary of the Planning and Zoning Commission affixed to said copies. Corrections shall be made, and the subdivider may reapply for final plat approval.

- iii. Upon approval of the final plat, the original drawing of the final plat shall be returned to the project surveyor; one duplicate Mylar shall be submitted to McKinley County; the second duplicate Mylar shall be retained by the City.

- c. Public Dedications and Recording of Plat: Final plats shall be recorded only by the McKinley County Clerk. The County Clerk or Planning Department shall notify the subdivider of the date of such recording. Final plats shall be recorded after the acceptance of the Planning and Zoning Commission.
- d. Changes to Plat After Final Approval: After final approval of any plat, no change shall be made except upon the filing of a replat.
- e. Issuance of Building Permits: Buildings shall not be constructed and building permits will not be issued or allowed by the City unless all provisions of these subdivision regulations, section 10-4M-1 and other applicable sections of chapters 1 through 4 of this title, and the municipal code have been met. (Ord. C99-5, 9-28-1999)

## 10-1(F) PUBLIC IMPROVEMENTS

1. **General Provisions:** Public improvements shall be required for subdivision of land in the following circumstances:
  - a. Major subdivisions as defined and regulated by this chapter.
  - b. Minor subdivisions as defined and regulated by this chapter.
  - c. All "development" or "improvements" requiring a building permit as defined by the building code, including:
    - i. Single-family or duplex residences on contiguous parcels, being developed simultaneously or in phases, and owned by the same or related parties or entities.
    - ii. Permanent outdoor uses that do not necessarily require a building permit, but that do require site plan approval, including parks and active public or private recreation facilities.
2. **Public Improvement Requirements:** Public improvements shall include the installation of permanent subdivision boundary markers and any construction or reconstruction within a city, county, or state public right-of-way, public easement, or drainageway within the corporate limits of the city. Public improvements include, but are not limited to, the items listed below. All improvements shall be designed and constructed by the subdivider in accordance with City standards and specifications.
  - a. The construction of a street section, including grading, base course, pavement, streetlights, curb and gutter,

sidewalk or bicycle path, other traffic improvements, and drainage facilities.

- b. The construction of driveways and city right-of-way access facilities.
- c. The construction and/or extension of public facilities, including water, sewer, storm drain, gas, electric power, street lighting, telephone, and cable television, in accordance with the requirements of the owning franchise or utility and City standards and specifications.
- d. The construction of an alley section, including grading, base course, pavement, and drainage facilities.
- e. The installation of fire hydrants shall be provided in accordance with City fire department requirements.
- f. The construction of drainage improvements shall be in accordance with adopted City standards and specifications and floodplain regulations.
- g. See section **10-6** for Infrastructure Design Standards.

### 3. Utility Access and Deferrals

- a. For an administrative or minor subdivision where utilities access is available via an alley or side street, installation or extension of utilities may be deferred at the discretion of the Water and Sanitation Director and/or the Electric Director.
- b. The accessibility of utilities via an alley or side street shall be certified by a licensed engineer in a formal letter to the Water and Sanitation Director and/or the Electric Director.
- c. The deferral shall be documented in a subdivision agreement that is recorded in the final plat.

- d. Utilities extensions along the frontage may be required if the roadway along the property frontage is extended or is likely to be extended.

#### **4. Plans and General Specifications**

- a. The subdivider shall submit the preliminary plat plans and specifications for improvements that will be required, including permanent markers, streets, water lines, sewers, drainage facilities, and parks.
- b. The subdivider shall coordinate preparation of electric utility plans with the Electric Director. The subdivider shall furnish the Planning and Zoning Commission all plans, information, and data necessary for the construction of improvements. These plans shall be examined by the Gallup Task Force and will be approved if in accordance with City requirements.
- c. Construction can be started following the approval of the preliminary plat and construction documents. Unless otherwise instructed by the City Engineer, all infrastructure shall conform to and be designed, constructed, and tested in accordance with the latest publication of "New Mexico Standard Specifications For Public Works Construction."
- d. The plans for all public improvements shall be prepared by a licensed professional civil engineer registered in accordance with the laws of the state of New Mexico and in conformance with City standards.
- e. The subdivider shall provide inspection for the construction of the improvements satisfactory to the City Engineer and Water and Sanitation Department Director.

- 5. **Assurance of Installation:** The City shall be assured of the installation of these improvements in a satisfactory manner by one or more of the following methods:

- a. Installation of the improvements within one (1) year and prior to approval of the final plat that is prepared for recording purposes.
- b. Submission of a satisfactory bond, either a performance bond or a cash bond, or the establishment of an escrow account in the amount and with surety and conditions satisfactory to the City manager providing for and securing to the City the actual construction and installation of such improvements and utilities within a period not to exceed one (1) year after approval of the final plat.

- 6. **General Public Improvement Installation:** The improvements to be installed shall include, but are not limited to, the following minimum requirements: (Ord. C99-5, 9-28-1999)

- a. **Permanent Markers:** All subdivision boundary corners shall be marked with permanent monuments. A permanent monument shall be per the minimum standards for surveying in New Mexico as defined in the monuments section of the New Mexico Administrative Code. Should conditions prohibit the placing of monuments on line, offset markings will be permitted, provided, however, that offset courses and distances are shown on the plat. A permanent benchmark shall be accessibly placed with the subdivision, the elevation of which shall be referred to the City of Gallup vertical control standards and accurately noted on the subdivision plat. (Ord. C99-5, 9-28-1999; amd. 2006 Code)

- b. Street Improvements: All streets shall be graded and the roadway improved by surfacing in accordance with the plans approved by the City Engineer.
  - i. If, as determined by the City Engineer or the Planning and Zoning Commission, the property to be developed does not have adequate rights-of-way to facilitate intensified use or will not accommodate proposed or contemplated public improvements or drainage, then necessary rights-of-way and/or drainage way shall be granted to the City.
  - ii. Streets and alleys, including curb, gutter, and sidewalk, shall be built in accordance with the street standards in section 10-6 and plans approved by the City Engineer.
- c. 3. Water Lines: The subdivider shall connect with the municipal water system and provide a water system accessible to each lot in the subdivision. All lines in the system shall be designed to carry adequate flows necessary to provide service to the proposed subdivision.
- d. Water Lines: The subdivider shall connect with the municipal water system and provide a water system accessible to each lot in the subdivision. All lines in the system shall be designed to carry adequate flows necessary to provide service to the proposed subdivision.
- e. Wastewater: The subdivider shall connect with the wastewater collection lines of the City system and provide an approved sewer system to serve every lot in the subdivision.
- f. Drainage: Adequate provisions shall be made for drainage of storm water in accordance with chapter 4,

article F of this title and subject to the recommendation and approval of the City Engineer.

## **7. Public Parks and Recreation Areas**

- a. Purpose: The purpose of this section is to provide developed public parks that meet the needs of the community for recreational opportunities and visual relief, to ensure that new recreation areas meet minimum standards for safety and efficacy, and to implement recommendations established in a Parks Master Plan or the Growth Management Plan.
- b. Guidelines and Standards
  - i. The Planning and Zoning Commission shall require that land be reserved for parks and playgrounds or other recreation purposes in locations designated in a Parks Master Plan or the Growth Management Plan, or in other locations where public park reservations would be appropriate.
  - ii. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate road access for the particular purposes envisioned by the Planning and Zoning Commission.
  - iii. The commission may refer such proposed reservations to the local government official or department in charge of parks and recreation for review and recommendations.
  - iv. The area shall be shown and marked on the plat as "Reserved for Park Space and/or Other Recreation Purposes."



- v. When used in this title, "recreation areas" shall include trails, natural areas, parks, shallow detention basins, or other functional open space areas.
  - vi. The subdivider shall dedicate all such recreation areas to local government as a condition of final subdivision plat approval. (Ord. C99-5, 9-28-1999)
- c. Park Facility Requirements
- i. Recreation areas shall include appropriate structures and facilities to meet residents' needs, such as areas for both active sports and recreation as well as passive recreation. (Ord. C2004- 17, 12-14-2004)
  - ii. Park space shall be reserved according to a standard of one (1) acre of recreation area for every fifty (50) single-family dwelling units. See the zoning code for parks and recreation requirements for multi-family developments.
  - iii. In general, land reserved for recreation purposes shall have an area of at least two (2) acres. Where the formula for a park would result in a facility of less than two (2) acres, a payment in lieu of land shall be required instead of the installation of the park. See the Payment in Lieu of Land section below for additional information.
  - iv. Parks requirements apply to residential or mixed use subdivisions only.
  - v. If the Planning and Zoning Commission determines that a park is particularly desirable in a location but the subdivision requirements would result in a park of less than two (2) acres, the Planning and Zoning Commission may require that a recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided.
- vi. In no case shall an area of less than one (1) acre be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area. See the "Payment in Lieu of Land" section below for additional guidance.
- d. Recreation Sites
- i. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field, or for other recreation purposes; shall be relatively level and dry; and shall be improved by the subdivider to the standards required by the Planning and Zoning Commission,
  - ii. A recreation site shall have a total frontage on one or more streets of at least fifty feet (50'), and no other dimension of the site shall be less than fifty feet (50') in depth. The Planning and Zoning Commission may refer any subdivision proposed to contain a dedicated park to the local government official or department in charge of parks and recreation for a recommendation.
  - iii. All land to be reserved for dedication to the local government for park purposes shall have prior approval of the governing body and shall be shown marked on the plat "Reserved for Park

and/or Recreation Purposes." (Ord. C99-5, 9-28-1999; amd. 2006 Code)

e. Alternative Procedure: Payment In Lieu of Land

- i. For subdivisions below one hundred (100) single-family dwelling units or within one-half (1/2) mile of an existing park, a payment in lieu of land is required instead of the installation of a park.
- ii. The Planning and Zoning Commission shall require the payment prior to final approval of the subdivision plat.
- iii. Deposit shall be placed in a combined City of Gallup parks and open space fund and shall be used by the local government for improvement of parks or recreation areas, including the acquisition of property.
- iv. The Planning and Zoning Commission shall determine the amount to be deposited, equal to the average fair market value of the land otherwise required to have been dedicated to the City of Gallup, less a credit for the amount of land actually reserved for recreation purposes. Average fair market value of the land must be appraised at the expense of the subdivider.
- v. Applicability to Land Utilizing Average Density: Any subdivision plat in which the principle of average density or flexible zoning has been utilized shall not be exempt from the provisions of this section, except for portion(s) of land that is dedicated to the local government for park and recreation purposes. If no further on-site area, other than the area to be reserved through averaging, is required by the Planning and

Zoning Commission, the full fee shall be paid as required in subsection E6f(2) of this section. If further land is required for reservation, apart from that reserved by averaging, credit shall be given as provided by subsection E6f of this section. (Ord. C99-5, 9-28-1999)

## **8. Public Parks and Recreation Areas**

- a. Purpose: The purpose of this section is to provide developed public parks that meet the needs of the community for recreational opportunities and visual relief, to ensure that new recreation areas meet minimum standards for safety and efficacy, and to implement recommendations established in a Parks Master Plan or the Growth Management Plan.
- b. Guidelines and Standards
  - i. The Planning and Zoning Commission shall require that land be reserved for parks and playgrounds or other recreation purposes in locations designated in a Parks Master Plan or the Growth Management Plan, or in other locations where public park reservations would be appropriate.
  - ii. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate road access for the particular purposes envisioned by the Planning and Zoning Commission.
  - iii. The commission may refer such proposed reservations to the local government official or

department in charge of parks and recreation for review and recommendations.

- iv. The area shall be shown and marked on the plat as "Reserved for Park Space and/or Other Recreation Purposes."
- v. When used in this title, "recreation areas" shall include trails, natural areas, parks, shallow detention basins, or other functional open space areas.
- vi. The subdivider shall dedicate all such recreation areas to local government as a condition of final subdivision plat approval. (Ord. C99-5, 9-28-1999)

c. Park Facility Requirements

- i. Recreation areas shall include appropriate structures and facilities to meet residents' needs, such as areas for both active sports and recreation as well as passive recreation. (Ord. C2004- 17, 12-14-2004)
- ii. Park space shall be reserved according to a standard of one (1) acre of recreation area for every fifty (50) single-family dwelling units. See the zoning code for parks and recreation requirements for multi-family developments.
- iii. In general, land reserved for recreation purposes shall have an area of at least two (2) acres. Where the formula for a park would result in a facility of less than two (2) acres, a payment in lieu of land shall be required instead of the installation of the park. See the Payment in Lieu of Land section below for additional information.

- iv. Parks requirements apply to residential or mixed use subdivisions only.
- v. If the Planning and Zoning Commission determines that a park is particularly desirable in a location but the subdivision requirements would result in a park of less than two (2) acres, the Planning and Zoning Commission may require that a recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided.
- vi. In no case shall an area of less than one (1) acre be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area. See the "Payment in Lieu of Land" section below for additional guidance.

d. Recreation Sites

- i. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field, or for other recreation purposes; shall be relatively level and dry; and shall be improved by the subdivider to the standards required by the Planning and Zoning Commission,
- ii. A recreation site shall have a total frontage on one or more streets of at least fifty feet (50'), and no other dimension of the site shall be less than fifty feet (50') in depth. The Planning and Zoning Commission may refer any subdivision proposed to contain a dedicated park to the local

government official or department in charge of parks and recreation for a recommendation.

- iii. All land to be reserved for dedication to the local government for park purposes shall have prior approval of the governing body and shall be shown marked on the plat "Reserved for Park and/or Recreation Purposes." (Ord. C99-5, 9-28-1999; amd. 2006 Code)

e. Alternative Procedure: Payment In Lieu of Land

- i. For subdivisions below one hundred (100) single-family dwelling units or within one-half (1/2) mile of an existing park, a payment in lieu of land is required instead of the installation of a park.
- ii. The Planning and Zoning Commission shall require the payment prior to final approval of the subdivision plat.
- iii. Deposit shall be placed in a combined City of Gallup parks and open space fund and shall be used by the local government for improvement of parks or recreation areas, including the acquisition of property.
- iv. The Planning and Zoning Commission shall determine the amount to be deposited, equal to the average fair market value of the land otherwise required to have been dedicated to the City of Gallup, less a credit for the amount of land actually reserved for recreation purposes. Average fair market value of the land must be appraised at the expense of the subdivider.
- v. Applicability to Land Utilizing Average Density: Any subdivision plat in which the principle of

average density or flexible zoning has been utilized shall not be exempt from the provisions of this section, except for portion(s) of land that is dedicated to the local government for park and recreation purposes. If no further on-site area, other than the area to be reserved through averaging, is required by the Planning and Zoning Commission, the full fee shall be paid as required in subsection E6f(2) of this section. If further land is required for reservation, apart from that reserved by averaging, credit shall be given as provided by subsection E6f of this section. (Ord. C99-5, 9-28-1999)

## 9. Open Space and Trail Corridor Reservation

- a. Purpose: The purpose of this section is to provide open space for public benefit as part of large subdivisions. Open space is intended to supplement parks and recreational areas described in section 10-5-11 H, and to meet the needs identified in an Open Space and Trails Master Plan or the Growth Management Plan.
- b. Land Dedication
  - i. As a condition of approval of subdivision, the subdivider shall be required to publicly dedicate total usable open space of eight percent (8%) of the development site or, alternatively, to pay a reservation in lieu fee.
  - ii. Open space and trail corridor reservation applies to all major subdivisions above one hundred (100) acres, as well as minor and major subdivisions where dedication of right-of-way for

- trails and/or open space are necessary for connectivity purposes.
- iii. Trail/Open Space dedication is required if the site is contained in the Open Space and Trails Master Plan or the Growth Management Plan. The trail corridor may count toward the open space land requirement.
- iv. Open space and park land may be combined to meet the eight percent (8%) open space set-aside for developments of greater than one hundred (100) acres, provided that park land comprises at least one (1) acre per one hundred (100) dwelling units where there is a residential component to the subdivision.
- v. See Table X below for open space requirements by subdivision type.
- c. Payment in Lieu of Land
  - i. Payment in lieu of land for open space is required for subdivisions between 50 and 100 acres in size.
  - ii. In lieu of fees for open space shall be equal to fifty percent (50%) of the "fair market value" of the area of land that would otherwise be required to be dedicated or reserved.
  - iii. For purposes of establishing fair market value, the highest and best use of the property shall be assumed to be the most profitable use that is available to the property if developed as proposed by the subdivider. The date of value, for purposes of calculating fair market value, shall be the date of subdivision approval.
- iv. In case of subdivision or site plan approval, the subdivider may satisfy the requirement for payment of in lieu fees by providing security acceptable to the City assuring payment of the in lieu fees at the time of issuance of the first building permit on the site. (Ord. 2006-03, 2-15-2006)
- v. Fees will be dedicated to a combined City of Gallup parks and open space fund.
- d. Other Recreation Reservation Considerations
  - i. The provisions of this section are minimum standards. None of the subsections above shall be construed as prohibiting a subdivider from reserving other land for recreation purposes in addition to the requirements of this section. (Ord. C99-5, 9-28-1999)
  - ii. In the event the residential subdivision is adjacent to a trail identified on the Open Space and Trails Master Plan or the Growth Management Plan, or identified as a significant trail corridor by the City Planning Department, the subdivider shall provide a connection to the trail through the subdivision or subdivision's recreation area. The trail segment shall be constructed consistent with the standards described in the master plan.
  - iii. In the event the residential subdivision is adjacent to or includes a portion of the Rio Puerco, the subdivider shall provide a corridor of at least one hundred feet (100') to accommodate a river park corridor. The area of the corridor may



be applied towards the required recreation area of the subdivision.

**Figure 10-5-H: Parks and Open Space Requirements by Development Type**

Development Type	Parks	Open Space*
Administrative Subdivision	No requirements	No requirements
Minor Subdivision	No requirements	No requirements
Major Residential / MU Subdivision (<100 DUs or <50 acres)	Fee in lieu	No requirements
Major Residential / MU Subdivision (<100 DUs and 50-100 acres)	No requirements	Fee in lieu
Major Residential / MU Subdivision (<100 DUs and >100 acres)	No requirements	Required
Major Residential / MU Subdivision (>100 DUs and <50 acres)	Required	No requirements
Major Residential / MU Subdivision (>100 DUs and 50-100 acres)	Required	Fee in lieu
Major Residential / MU Subdivision (>100 DUs and > 100 acres)	Required	Required
Major Commercial / Industrial Subdivisions (<100 acres)	No requirements	Required
Major Commercial / Industrial Subdivisions (>100 acres)	No requirements	Required

\*Trail/Open Space dedication is required if the site is contained in the Open Space/Trails Master Plan or the Growth Management Plan.

*Figure Notes*

Parks formula = 0.02 acres per DU (1 acre per 50 DU); minimum park size of 2 acres

Open space formula = 8% of total land for subdivisions of 100 acres or more

Parks may count toward open space may requirements for large subdivisions

DU = dwelling units

## 10-1(G) FEE SCHEDULE

The application fees for subdivision approval shall be as fixed by the City Council through resolution with due public notice. The fees shall be paid by the subdivider to the City at the time of filing the application. Application fees are nonrefundable. (Ord. C99-5, 9-28-1999)

## 10-1(H) SIGNATURES AND APPEAL PROCEDURE

Pursuant to New Mexico Statutes Annotated subsection 3-20-7F, 1978, a final plat approved by the Planning and Zoning Commission shall be endorsed by the chairman and secretary of the Planning and Zoning Commission.

1. Any person who is or may be adversely affected by a decision of the Planning and Zoning Commission in approving or disapproving a subdivision plat may appeal to the City Council within ten (10) days of the Planning and Zoning Commission's action.
2. Any final plat ultimately approved by the Council shall be endorsed by the mayor and City Clerk.
3. If no appeal is taken from Planning and Zoning Commission action, the plat shall be recorded in the office of the County Clerk after the ten (10) day appeal period has elapsed. (Ord. C99-5, 9-28-1999)

## 10-1(I) ADMINISTRATION AND AMENDMENT

The Planning and Zoning Commission may recommend and the City Council may adopt, amend, and publish rules pertaining to the administration of these regulations after public hearing, due notice of which shall be given as required by law. (Ord. C99-5, 9-28-1999)

**10-1(J) VALIDITY**

If any section, subsection, paragraph, clause, phrase, or provision of these regulations shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of these regulations as a whole or any part or provision thereof, other than the parts so adjudged to be invalid or unconstitutional. (Ord. C99-5, 9-28-1999)

**10-1(K) PENALTIES**

Any person, firm, or corporation that contracts to partition land, commence any kind of construction activity on improperly subdivided land, or transfer ownership or lease rights of subdivided land prior to the approval of a final subdivision plat by the Planning and Zoning Commission and the recording of the subdivision by the McKinley County Clerk is in violation of the provisions of this title, and said perpetrator shall be charged with committing a misdemeanor. (Ord. C99-5, 9-28-1999)

**10-1(L) RESERVATION OF JURISDICTION**

Upon approving a subdivision plat, the Planning and Zoning Commission expressly reserves jurisdiction to determine subsequently whether plat approval should be suspended or revoked due to one of the following reasons:

1. Any material misstatement or error of fact in any information upon which the Planning and Zoning Commission relied; or
2. A subsequent failure to comply with the provisions of the City's regulations. (Ord. C99-5, 9-28-1999)

**10-2. INFRASTRUCTURE DESIGN STANDARDS****10-2(A) PURPOSE AND APPLICABILITY**

1. **Purpose:** This section details the required infrastructure and design specifications for infrastructure in the public right-of-way. These standards reflect best practices and recognized engineering principles. The application of these standards will result in new and reconstructed infrastructure that is implemented in an orderly and consistent manner.
2. **Applicability:** The standards contained in this section govern all private developments and subdivisions within the City of Gallup. These standards should also be referenced by the City of Gallup during roadway construction and reconstruction.

See **10-5-11** for guidance on when public improvements may be required as part of private developments.

The section below provides guidance on the dimensions and infrastructure elements required for public improvements and for new or reconstructed roadways.

**10-2(B) UTILITY AND DRAINAGE STANDARDS**

These design standards support the public improvements described in section **10-5-11**.

**1. Water Infrastructure:**

- a. The minimum line size shall be six inches (6").

- b. Extensions from the existing system to the subdivision and lines through the subdivision shall have additional capacity to serve adjacent properties and for future expansion, as directed by the joint utilities director.
- c. Consult the standard drawings for additional guidance and water infrastructure elements.

## 2. Wastewater Infrastructure:

- a. The subdivider shall connect with the wastewater collection lines of the city and provide an approved sewer system to serve every lot in the subdivision. All lines shall be designed to carry the anticipated flows.
- b. The minimum size shall be eight inches (8") and the minimum flow velocity shall be two feet (2') per second at full pipe flow.
- c. Extensions from the existing system to the subdivision and through the subdivision shall have additional capacity to serve adjacent properties and for future expansion, as directed by the joint utilities director.
- d. Consult the standard drawings for additional guidance and wastewater infrastructure elements.

## 3. Drainage and Flood Control Infrastructure:

- a. The drainage system shall be constructed in accordance with the drainage plan and/or report, if required, and shall conform to the requirements of **chapter 4, article F** of this title and be designed so that existing drainage and water within the subdivision will be removed without causing damage or harm to private or public property. (Ord. C99-5, 9-28-1999)

## 10-2(C) ROADWAY DESIGN STANDARDS

- 1. All roadway improvements shall be made under the supervision of and in accordance with the plans approved by the city engineer.
- 2. A waiver from these standards may be approved by the planning and zoning commission upon presentation of documented justification.

### 3. Geometric Design

- a. Curve radii and super elevation: Vertical and horizontal curves and the super elevation of the horizontal curves shall conform to recognized transportation design standards (e.g. AASHTO Green Book - A Policy on Geometric Design of Highways and Streets, current edition).
- b. The "sight distance" at any intersection must provide for adequate "stopping distance." See the AASHTO Green Book for additional information.
- c. Clear sight triangles: See the Access and Connectivity section of the Zoning Code for general requirements for clear sight triangles for intersections and for driveways/site access points.
- d. Intersections: Streets shall be laid out to intersect each other as nearly as possible at right angles, and under no condition shall the intersection angle be less than seventy degrees (70°). No two (2) opposing street intersections shall be less than one hundred twenty five feet (125') between centerlines.

**Figure X: Street Elements and Design Considerations**

Type	Right Of Way (Minimum Width In Feet)	Pavement (Minimum Width In Feet)	Sidewalk (Minimum Width In Feet)
Rural Road	50	24	N/A
Non-residential Local	50	32	5
Residential Local	50	28	5
Collector	60	40	5
Minor Arterial	70	40	6
Principal Arterial	80	48	6

#### 4. Block Layout

- a. General: Streets and alleys shall be arranged to provide a high level of connectivity across the City of Gallup and to cause no hardship to the owners of adjoining property. Proper access shall be given to all lots from a dedicated street.
- b. The arrangement, character, extent, width, grade and location of all streets shall conform to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets.
- c. The proposed street layout shall support the intended land uses and shall be coordinated with the street system of the surrounding areas. All streets must provide for the continuation of appropriate projections of principal streets in surrounding areas and provide reasonable means of ingress and egress for surrounding acreage tracts.
- d. The dedication of half-streets at the perimeter of a new subdivision is prohibited. If circumstances render the dedication of full street right of way impracticable, then adequate provision for the concurrent dedication of the

remaining one-half (1/2) shall be provided by the proposed development.

- e. Where land is subdivided into large tracts and where the potential for future subdivision exists, such tracts shall be arranged to allow for provision of future streets and a logical pattern for further subdivision.
- f. New streets shall follow a rectangular grid pattern, where feasible. Alignments may vary from a grid pattern due to topographical constraints, to protect natural features, or to respond to site constraints, or to meet the needs of a specific land use.
- g. Where a proposed residential subdivision contains lots abutting or adjacent to a major highway or arterial street, it shall be planned to avoid having lots fronting on the highway or street.
- h. Where the subdivision contains, or is adjacent to a state or federal highway, the subdivision must satisfy the New Mexico state highway department guidelines for land subdivision.
- i. Resource protection areas shall be retained in a natural state and buildings shall not be constructed in such areas unless the board of adjustment specifically approves otherwise due to special concerns which warrant such construction.
- j. Offset streets shall be avoided to the greatest extent possible. See additional guidance on intersection angles below.

**5. Blocks:**

- a. The length of blocks shall be no longer than one thousand feet (1,000') between street lines.
- b. The width of a block shall be sufficient to provide two (2) rows of lots, where practical.
- c. Cul-De-Sacs (Dead End Streets): Permanent cul-de-sacs shall be no longer than six hundred feet (600') and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty feet (80'), and a street property line diameter of at least one hundred feet (100').

**6. Subdivision Access:**

- a. All streets must provide for the continuation of appropriate projections of principal streets in surrounding areas and provide reasonable means of ingress and egress for surrounding acreage tracts.
- b. Lots per access point
- c. The maximum number of dwelling units in a residential subdivision which can be served by a single point of access is 50.
- d. A subdivision with greater than 50 lots shall provide at least two access points to existing public roadways. The second access point may be an emergency access route.
- e. Subdivisions with greater than 250 lots shall provide at least three access points to existing roadways. The third access point may be an emergency access route.
- f. The construction of additional access points may be included in a later phase of development.

**7. Site Access:**

- a. All curb cuts and driveways shall be compliance with ADA standards, including accessible ramps.
- b. See the Access and Connectivity section of the Zoning Code for additional information on driveway dimensions and permitted driveways by site
- c. See AASHTO or other design manual approved by the City engineer for additional guidance on the location and design of site access points.

**8. Medians and Center Turn Lanes:**

- a. Medians and or center turn lanes are desired on arterial roadways and should be considered on collectors.
- b. Medians should be at least 12' in width to accommodate space for center turn lanes. Medians and center turn lanes should be 14' on roadways with speed limits of 35 MPH or greater.
- c. Four lane roads with no medians or center turn lanes are strongly discouraged.
- d. Medians must be a minimum of 6' for the placement of traffic signals.

**9. On-street Parking:**

- a. On street parking spaces are most appropriate in Downtown or in mixed use areas.
- b. Designated on-street parking spaces should be 8' in width.



- c. On-street parking is allowed on local roads, though spaces do not need to be striped.

#### 10. Bicycle Facilities:

- a. Suitable locations for on-street bicycle facilities may be designated in the Growth Management Plan, a Master Transportation Plan, or other plans approved by the Gallup City Council.
- b. Where on-street bicycle facilities are desired, the design shall confirm to the guidance provided in the *AASHTO Guide for Development of Bicycle Facilities*, current edition.

#### 11. Sidewalks:

- a. Full typical section including sidewalks shall be provided on both sides of the street for development along streets classified as minor or principal arterials.
- b. Sidewalks on public streets shall be placed in the public right-of-way
- c. The width of sidewalks shall be a minimum of 5' for local and collector roadways and 6' for arterials.
- d. Sidewalks shall be designed to meet all ADA/PROWAG standards, including all cross slopes, running slopes, and curb ramps.
- e. If it is necessary to locate objects such as mailboxes, hydrants, signposts, etc. within a sidewalk, then the sidewalk shall be widened to provide a minimum pedestrian access route of 4 feet around any part of the obstruction.

- f. Sidewalks shall be brought into compliance with ADA/PROWAG standards during roadway reconstruction or as part of site improvements to an adjacent parcel.
- g. See sections 7-2-1 through 7-2-6 of this code for additional requirements relating to sidewalk construction. (Ord. 2014-3, 9-23-2014)
- h. Technically Infeasible: For existing development or within existing subdivisions where existing sidewalks are required to be replaced or where no sidewalks exist and development triggers installation of sidewalks, and it is technically infeasible to comply with the required sidewalk widths set forth in subsection B2 of this section because of physical or site constraints which prohibit full compliance, sidewalks shall be installed as close to technically feasible as possible. It shall be the responsibility of the city of Gallup engineering department to determine whether or not the "technically infeasible" provision is applicable for a particular site.

#### 12. Crossings:

- a. The placement of pedestrian crossings should adhere to guidance provided by the *AASHTO Guide for the Development of Pedestrian Facilities*.
- b. All signage and pavement markings shall adhere to the *Manual on Uniform Traffic Control Devices (MUTCD)* from the Federal Highway Administration.

#### 13. Rural Road Design:

- a. The rural road cross section shall be the required street design for all development in the rural residential zoning

district. A minimum eight foot (8') pedestrian/equestrian pathway on one side of the road may be required in place of sidewalks for residential districts. (Ord. C99-5, 9-28-1999; amd. Ord. 2014-3, 9-23-2014)

## 10-2(D) LOT LAYOUT CONSIDERATIONS

### 1. Lots:

- a. Arrangement: The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites properly related to topography and the character of adjacent development.
- b. Area and Dimensions: The area and dimensions of lots shall conform to chapters 1 through 4 of this title.
- c. Property Lines: The side property lines of all lots shall be at right angles to the straight street lines or radial to curved street lines unless a variation of this rule will result in a better street and lot plan.
- d. Corner Lots: Corner lots should be of sufficient width to permit the establishment of front building lines on both street sides of the lot coverage. Lots at intersections of streets shall have a radius of twenty feet (20') at the street corner.
- e. Building Lines: Building lines shall be shown on all lots intended for residential use. Within the city, such building lines shall not be less than the requirements of any zoning ordinance, and in areas outside the city, not less than the requirements of McKinley County subdivision regulations. Restrictions requiring buildings to be set back to such building lines shall be shown on the plat or shall be contained in a separate recorded instrument and referred to on the plat.
- f. Buildable Area: All lots intended for residential use shall have a buildable area equal to or greater than thirty five percent (35%) of the total lot area, except as may be specifically exempted by the planning and zoning commission for prevention of excessive hillside scarring.
- g. Open Space Other Than That Which Is Dedicated: Where the area being subdivided includes lands to be used for parks, schools, other public uses or scenic easements under the officially adopted master plan of the city, the subdivider shall indicate the location of such area on the subdivision plat and shall grant a two (2) year option for the purchase of such lands or easements by a public agency at the appraised raw land value prior to subdividing, plus one-half (1/2) the cost of grading and surfacing of the portions of any streets that are contiguous to the site.
  - i. In case of a disagreement over the value of land, said value shall be established by three (3) qualified appraisers, one of whom shall be appointed by the city council, one of whom shall be appointed by the subdivider and one of whom shall be mutually agreed upon by the two (2) appraisers named above.
  - ii. The subdivider shall bear the cost of any appraisal.
- h. Easements: Easements of at least ten feet (10') in width shall be provided and dedicated on each side of all rear lot lines (except where there are alleys) and alongside lot lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water and other utilities.
  - i. An adequate easement shall be dedicated along all major arroyos or critical watercourses.

- ii. Where a cut or fill road slope is outside the normal right of way of the street, the slope easement shall be provided of sufficient width to permit maintenance of the slopes.
- i. Alleys: Alleys may be provided at the option of the subdivider in the rear of lots. The minimum alley width shall be twenty feet (20'). Dead end alleys shall not be allowed. (Ord. C99-5, 9-28- 1999)

**2. Architectural Design Standards:**

- a. See the zoning code.